

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

C.A. NO. 04-11807-MLW

AT&T WIRELESS SERVICES OF  
MASSACHUSETTS, INC., d/b/a AT&T  
WIRELESS, and EASTERN TOWERS, LLC,

Plaintiffs

v.

TOWN OF WAYLAND, MASSACHUSETTS,  
BOARD OF APPEALS OF THE TOWN OF  
WAYLAND and JAMES E. GRUMBACH, ERIC B.  
GOLDBERG, STEVEN FUGARAZZO,  
LAWRENCE K. GLICK, SUSAN KOFFMAN,  
SHAUNT SORIAN, ADIA GENNIS, LINDA  
SEGAL, as they are members and alternate members  
of the Board,

Defendants

FURTHER MOTION TO ENLARGE  
TIME TO FILE RESPONSE TO  
“PLAINTIFFS’ MOTION FOR AN  
ARGUMENT ON THE MERITS AND  
JUDGMENT IN THEIR FAVOR ON  
COUNT II (SUBSTANTIAL  
EVIDENCE)” AND “MOTION FOR  
PRELIMINARY INJUNCTION”  
(ASSENTED TO)

Defendants (collectively, “Town”) hereby move that the time for responding to the Plaintiffs’ Motion for an Argument on the Merits and Judgment in Their Favor on Count II (Substantial Evidence) (“Substantial Evidence Motion”) and Motion for Preliminary Injunction (collectively, “Plaintiffs’ Motions”) be further enlarged until June 10, 2005.

As grounds for this Motion, the Town relies on the following:

1. This case is an appeal under the Telecommunications Act of 1996, 47 U.S.C. §332(c)(7), from the decision by the Board of Appeals to deny zoning permits for a 120-foot-high telecommunications facility at 137 Boston Post Road, Wayland, Massachusetts.
2. The parties filed an assented-to motion that the time for the Town to respond to the Plaintiffs’ Motions would be enlarged until May 27, 2005 and the Court allowed that motion.
3. The parties have continued to attempt to mediate the dispute; they met with a mediator on April 26 and May 18, 2005. On May 23, 2005, they met with counsel and are continuing to discuss settlement.

4. As stated in the first motion to enlarge time, in order to respond to the Plaintiffs' Motions, the Town will be required to address all of the issues in the litigation, including those which are the subject of expert testimony. The Town's expert will require substantial time to evaluate and respond to the expert allegations in the Plaintiffs' affidavits filed in support of the Motion for Preliminary Injunction.

5. Due to the ongoing mediation efforts, the scope of the Plaintiffs' Motions as well as the other professional obligations of the Town's counsel, the Town is not able to meet the May 27, 2005 deadline for responding to the Plaintiffs' Motions

WHEREFORE, the Town requests that the time for it to respond to Plaintiffs' Motions be enlarged to June 10, 2005.

DEFENDANTS

By their attorneys,

/s/ Patricia A. Cantor  
Joel B. Bard (BBO# 029140)  
Patricia A. Cantor (BBO# 072380)  
Kopelman and Paige, P.C.  
31 St. James Avenue  
Boston, MA 02116  
(617) 556-0007

ASSENTED-TO  
PLAINTIFFS  
By their attorneys,

/s/ Stephen D. Anderson  
Stephen D. Anderson  
Douglas H. Wilkins  
Anderson & Krieger LLP  
43 Thorndike Street  
Cambridge, MA 02141  
(617) 252-6575

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